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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/501,756	02/10/2000	Wolfgang G. Eibach	UK999054	4338

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EXAMINER

POLTORAK, PIOTR

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/501,756

Applicant(s)

EIBACH ET AL.

Examiner

Peter Poltorak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-11 have been examined.

Priority

2. Foreign priority has been claimed in this application.
3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on 07/01/1999.

Claim Objections

4. The term: "performance of operations" in claims 4 and 5 are objected to due to the multiple meaning of the term in the computer art.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-5 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.
6. Claim 1 recites: "a gateway component limiting the operation requests from the second data processing unit will be passed to the vehicle's device control units to only a predefined set of permitted operations". The limitation as written is grammatically incorrect. It is not clear what "will be passed".

7. The term "respective ones" in claim 2 is not clear and it is treated as best understood. It is not clear whether the term refers to "operations requests", to "permitted operations" or something else.
8. In claims 4 and 5 "the performance of operations" lacks antecedent basis.
9. The limitation of claim 11: "wherein the secure resources include the vehicle's internal device control unit" is addressed to the preamble of claim 10. The modification to the preamble stands or falls with the claim that recites the preamble. As a result the purpose of the limitation (above) is not understood, and as a result the limitation is assumed to be covered by the art that reads on claim 10.
10. Claim 3 is rejected by virtue of their dependence.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by *Colson et al.* (U.S. Patent No 6236909).
12. As per claim 6 *Colson et al.* teach a first data processing unit (A) (*computing platform 102, Fig. 1*) connected to device control units of a vehicle (*electronic collection units ECU 114, Fig. 1, col. 5 lines 50-55 and col. 6 lines 16-23*), a data processing unit (B) (*gateway 122, Fig. 1*) connected to an external communication network (*USB 120, Fig. 1*), a data communications link between the first and second

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data processing units (*bus 116, Fig. 1*) and a gateway component (*registry, Fig. 1*) for controlling communications across the link, limiting the operations that can be performed at the first data processing unit in response to requests from the second processing unit to only predefined set of permitted operations (*col. 13 lines 30-36*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Colson et al.* (U.S. Patent No 6236909) in view of *Bossemeyer et al.* (U.S. Pub. No. 20020037004A1).

14. *Colson et al.* teach the data processing apparatus as discussed above. *Colson et al.* do not teach the implementation of the invention in the network connected home environment. *Bossemeyer et al.* teach a network connected home environment (*Abstract and Fig. 1*). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement *Colson et al.*'s invention in the network connected home environment as taught by *Bossemeyer et al.* One of ordinary skill in the art would have been motivated to perform such a modification in order to make applications independent of the network devices and enforce functionality through an

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industry standard application programming interface to allow better portability
(*Colson et al.*, col. 2 lines 14-28).

15. Claims 1-2 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Colson et al.* (U.S. Patent No 6236909) in view of *Parrillo* (U.S. Patent No. 5442553) and in view of *Nathanson* (U.S. Patent. No. 6263268).

16. As per claim 1 (as best understood) *Colson et al.* teach the data processing apparatus as discussed above. *Colson et al.* does not explicitly teach wireless connection.

Parrillo teach wireless connection (*Fig. 1 and 2*). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use wireless connection to the external network as taught by *Parrillo* in *Colson et al.*'s invention. One of ordinary skill in the art would have been motivated to perform such a modification in order to extend *Colson et al.*'s invention into mobile vehicles (*Parrillo*, col. 1 lines 31-33).

17. Claims 9-11 are substantially equivalent to claim 1; therefore claims 9-11 are similarly rejected.

18. As per claim 2 (as best understood) *Colson et al.* teach that registry is stored on a CD-ROM (*Colson et al.*, col. 5 lines 41-49).

19. As per claim 8 *Colson et al.* does not teach that the external network is the Internet. *Nathanson* teach the external network which is the Internet. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the Internet as the external network as taught by *Nathanson*. One of ordinary

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skill in the art would have been motivated to perform such a modification in order to communicate with a vehicle using the Internet (*Nathanson*, col. 4 lines 44-47).

20. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Colson et al.* (U.S. Patent No 6236909) in view of *Parrillo* (U.S. Patent No. 5442553) and in view of *Nathanson* (U.S. Patent. No. 6263268), and in further view of *Serughett* (Marc Serughett, "OSEK: a super-small kernel for deeply embedded applications?", 1999).

21. *Colson et al.* in view of *Parrillo* and in view of *Nathanson* teach the data processing apparatus as discussed above. Furthermore *Colson et al.* teach a static environment (*Colson et al.*, col. 4 lines 52-55).

22. *Colson et al.* do not explicitly teach the first processing unit including a static operating system.

Serughett teaches a static operating system (*Serughett*, "The OSEK/VDX specification" section). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a static operating system in the first processing unit as taught by *Serughett*. One of ordinary skill in the art would have been motivated to perform such a modification in order to ensure correct behavior of the applications without extensive testing (*Serughett*, "Using OSEK for non-automotive applications").

23. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Colson et al.* (U.S. Patent No 6236909) in view of *Parrillo* (U.S. Patent No. 5442553).

24. *Colson et al.* teach a first data processing unit (A) (*gateway 118 and ECU's 114 components, Fig. 1*) connected to device control units of a vehicle (*col. 5 lines 50-55 and col. 6 lines 16-23*) communicating with a data processing unit (B) (*computing platform 102 and gateway 122 components, Fig. 1*) connected to an external communication network (*USB 120, Fig. 1*), and a gateway component (*registry, Fig. 1*) for controlling communications, limiting the operations that can be performed at the first data processing unit in response to requests from the second processing unit to only predefined set of permitted operations (*col. 13 lines 30-36*).

Colson et al. does not explicitly teach wireless connection.

Parrillo teaches wireless connection (*Fig. 1 and 2*). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use wireless connection to the external network as taught by *Parrillo* in *Colson et al.*'s invention. One of ordinary skill in the art would have been motivated to perform such a modification in order to extend *Colson et al.*'s invention into mobile vehicles (*Parrillo, col. 1 lines 31-33*).

25. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Colson et al.* (*U.S. Patent No 6236909*) in view of *Parrillo* (*U.S. Patent No. 5442553*) and in further view of *Serughett* (*Marc Serughett, "OSEK: a super-small kernel for deeply embedded applications?", 1999*).

26. *Colson et al.* in view of *Parrillo* teach a data processing apparatus as discussed above. Furthermore *Colson et al.* teach registry implementing an access control list (*col. 13 lines 30-36*).

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Colson et al. do not explicitly teach the first processing unit including a Real Time Operating System.

Serughett teaches a Real Time Operating System (*Serughett*, "The OSEK/VDX specification" section). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a Real Time Operating System in the first processing unit as taught by *Serughett*. One of ordinary skill in the art would have been motivated to perform such a modification in order to use a super-small operating system for deeply embedded applications (*Serughett*, "Choosing OSEK as an operating system").

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Herada (U.S. Patent No. 6094618),

Akiyama (U.S. Patent No. 6694235).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571)272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone

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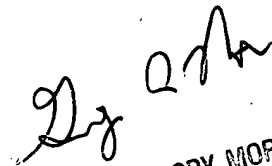
number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

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Signature

Date


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